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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Austria, Bangladesh, Belgium, Bhutan, Bosnia and Herzegovina, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Eritrea, Finland, France, Georgia, Germany, Ghana, Greece, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia (Federated States of), Namibia, Netherlands, Nicaragua, Norway, Philippines, Portugal, Republic of Korea, Romania, Samoa, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay* and Venezuela: draft resolution

The rights of the child

The General Assembly,

Recalling its resolution 50/153 of 21 December 1995 and Commission on Human Rights resolution 1996/85 of 24 April 1996, 1/

Encouraged by the widespread commitment and political will shown by the unprecedented number of States that have become parties to the Convention on the Rights of the Child, 2/ while noting that the goal to achieve universal ratification by 1995 was not reached,

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* On behalf of States Members of the United Nations that are members of the Group of Latin American and Caribbean States.

1/ See E/1996/L.18, chap. II, sect. A.

2/ Resolution 44/25, annex.

Seriously concerned about those reservations to the Convention that are contrary to the object and purpose of the Convention or otherwise contrary to international treaty law, and recalling that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 3/ urges States to withdraw such reservations,

Reaffirming the Vienna Declaration and Programme of Action, which states that national and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular the girl child, abandoned children, street children, economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases including acquired immunodeficiency syndrome, refugee and displaced children, children in detention, children in armed conflict and children victims of famine, drought and other emergencies, and also requires measures against female infanticide and harmful child labour,

Reaffirming also that the best interests of the child shall be a primary consideration in all actions concerning children,

Noting with appreciation the important work carried out by the United Nations, in particular the United Nations Children's Fund, the Committee on the Rights of the Child, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and the expert designated by the Secretary-General to undertake the study on the effect of armed conflicts on children,

Recognizing the valuable work done by relevant intergovernmental and non-governmental organizations for the promotion and protection of the rights of the child,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, poverty, natural disasters, armed conflicts, displacement, exploitation, racism, and all forms of intolerance, unemployment, rural-to-urban migration, illiteracy, hunger, disability and drug abuse, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation per se is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recalling the recommendation made by the World Conference on Human Rights that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by supervisory bodies of the specialized agencies in accordance with their mandates,

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3/ A/CONF.157/24 (Part I), chap. III.

I

Implementation of the Convention on the Rights of the Child

1. Welcomes the unprecedented number of one hundred and eighty-seven States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child;

2. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence established by the World Summit for Children 4/ and reiterated by the World Conference on Human Rights;

3. Reaffirms that all States have a duty to fulfil the obligations they have undertaken under the various international instruments, and in this regard emphasizes the importance of the full implementation by States parties of the provisions of the Convention;

4. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them;

5. Also urges States parties to the Convention to accept the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from ten to eighteen experts;

6. Welcomes the report submitted by the Committee on the Rights of the Child pursuant to article 44, paragraph 5, of the Convention, 5/ and takes note with appreciation of the constructive role played by the Committee in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

7. Calls upon States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education be directed, inter alia, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures, and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

8. Also calls upon States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike;

4/ See A/45/625, annex.

5/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 41 (A/51/41).

9. Stresses that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children as emphasized in the report of the Secretary-General on the progress at mid-decade on the implementation of General Assembly resolution 45/217 of 21 December 1990 on the World Summit for Children; 6/

II

Protection of children affected by armed conflict

10. Invites all States to accede to relevant international human rights and humanitarian instruments, and urges them to implement those to which they are parties;

11. Urges States and other parties to armed conflict to respect customary international humanitarian law;

12. Calls upon States fully to respect the provisions contained in the Geneva Conventions of 12 August 1949 7/ and the Additional Protocols thereto of 1977, 8/ as well as those in the Convention on the Rights of the Child, which accord children affected by armed conflict special protection and treatment;

13. Welcomes the report of the expert of the Secretary-General on the impact of armed conflict on children, 9/ and takes note with appreciation of the recommendations included therein that address the prevention of the involvement of children in armed conflicts, the reinforcement of preventive measures, the relevance and adequacy of existing standards, the measures required to improve the protection of children affected by armed conflicts and the actions needed to promote the physical and psychological recovery and social reintegration of children affected by armed conflicts;

14. Notes with interest the participatory process through which the report of the expert was prepared in close collaboration with Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations;

15. Requests the Secretary-General to ensure that the report of the expert is disseminated as widely as possible among Member States and intergovernmental and non-governmental organizations, as well as within the United Nations system;

6/ A/51/256.

7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

8/ Ibid., vol. 1125, Nos. 17512 and 17513.

9/ A/51/306 and Add.1.

16. Takes note with appreciation of the report of the Committee on the Rights of the Child and the recommendations contained therein concerning the situation of children affected by armed conflicts; 10/

17. Welcomes resolution CM/Res.1659 (LXIV) on the plight of African children in situations of armed conflicts adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, held at Yaoundé, from 1 to 5 July 1996;

18. Recommends that States parties to the Convention promote a wide dissemination of and awareness on relevant standards on the rights of the child and develop education and training activities on the rights of the child as a measure to ensure the protection of children affected by armed conflict;

19. Calls upon States and United Nations bodies and organizations to treat children in situations of armed conflict as a priority concern in all human rights, humanitarian and development activities, including in field operations and country programmes, to enhance coordination and cooperation throughout the United Nations system and to protect effectively children affected by armed conflict;

20. Calls upon the executive boards of relevant United Nations funds and programmes, specialized agencies and other competent bodies to explore ways and means by which they can contribute more effectively to the protection of children in armed conflict;

21. Recommends that the humanitarian concerns relating to children affected by armed conflict and their protection be fully reflected in United Nations field operations to promote peace, prevent and resolve conflicts and implement peace agreements;

22. Underlines the importance that measures to ensure respect for the rights of the child, including in the areas of health and nutrition, education, and social reintegration, be included within emergency and other humanitarian assistance policies and programmes;

23. Stresses the need for Governments and other parties to armed conflicts to take measures, including the establishment, for example, of "days of tranquillity" and "corridors of peace", to ensure humanitarian access, the delivery of humanitarian relief and the provision of services, such as education and health, including immunization of children affected by armed conflicts;

24. Supports the work of the working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflicts, and expresses the hope that it will make further progress prior to the fifty-third session of the Commission with a view to finalizing this work;

10/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 41 (A/51/41), chap. I, sect. C.1.

25. Urges States and all other parties to armed conflicts to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and reintegration into society, including through adequate education and training, in a manner that fosters their self-respect and dignity, and invites the international community to assist in this endeavour;

26. Calls upon all States and relevant United Nations bodies, including the United Nations Voluntary Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts, and urges States to take further action to promote gender and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

27. Welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines;

28. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, 11/ and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

29. Stresses the need for all humanitarian responses in conflict situations to emphasize the special reproductive health needs of women and girls, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age, or infection with sexually transmitted diseases, as well as human immunodeficiency virus/acquired immunodeficiency syndrome, and their access to family planning services;

30. Urgently requests that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to ensure humanitarian access to children affected by armed conflict, to facilitate the extension of humanitarian assistance, including education, and to ensure the physical and psychological recovery and reintegration into society of child soldiers, victims of landmines and victims of gender-based violence;

31. Recommends that whenever sanctions are imposed their impact on children be assessed and monitored and humanitarian exemptions be child-focused and formulated with clear application guidelines;

32. Recalls the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

11/ Resolution 260 A (III).

33. Requests the Secretary-General, in cooperation with Member States, international organizations and relevant non-governmental organizations, to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflict;

34. Invites Governments to integrate in their military programmes, including those for their peacekeeping personnel, instruction on their responsibilities towards civilian communities and particularly towards women and children;

35. Recommends that the Secretary-General appoint for a period of three years a Special Representative on the impact of armed conflict on children, and ensure, within existing resources, that the necessary support is made available to the Special Representative for the effective performance of his/her mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions for that purpose;

36. Also recommends that the Special Representative:

(a) Assess progress achieved, steps taken and difficulties encountered in strengthening the protection of children in situations of armed conflict;

(b) Raise awareness and promote the collection of information about the plight of children affected by armed conflict, and encourage the development of networking;

(c) Work closely with the Committee on the Rights of the Child, relevant United Nations bodies, specialized agencies and other competent bodies, as well as non-governmental organizations;

(d) Foster international cooperation to ensure respect for children's rights in these situations, and contribute to the coordination of efforts by Governments, relevant United Nations bodies, notably the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the specialized agencies and the Committee on the Rights of the Child, relevant special rapporteurs and working groups, as well as United Nations field operations regional and subregional organizations, other competent bodies and non-governmental organizations;

37. Requests the Special Representative to submit to the General Assembly and the Commission of Human Rights an annual report containing relevant information on the situation of children affected by armed conflicts, bearing in mind existing mandates and reports of relevant bodies;

38. Also requests Governments, specialized agencies, relevant United Nations organs and regional, intergovernmental and non-governmental organizations, as well as the Committee on the Rights of the Child, other

relevant human rights treaty bodies and human rights mechanisms, to cooperate with the Special Representative and to provide information on the measures adopted to ensure and respect the rights of children affected by armed conflicts;

39. Calls upon Member States and relevant United Nations bodies and non-governmental organizations to consider how the impact of armed conflicts on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and the entry into force of the Convention;

III

Refugee and internally displaced children

40. Urges Governments to pay particular attention to the situation of refugee and internally displaced children by continuing to design and improve the implementation of policies for their care and well-being with the necessary international cooperation, in particular that of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund;

41. Calls upon States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children to protect both their safety and their developmental needs, including health, education and psychosocial rehabilitation;

42. Also calls upon States and United Nations bodies and other agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children and to give priority to programmes for family tracing and reunification;

43. Calls for the continual monitoring of the care arrangements of unaccompanied refugee and internally displaced children;

44. Calls upon States and other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to recruitment into armed forces and to sexual violence, exploitation and abuse, and to enhance protection and assistance mechanisms;

45. Calls upon the United Nations Children's Fund and other relevant United Nations bodies and agencies and governmental and non-governmental organizations to continue to adopt all necessary measures to ensure the survival, assistance and protection of internally displaced children;

46. Stresses the special vulnerability of households headed by children, and calls upon Governments and United Nations bodies to give urgent attention to their situation and to develop policy and programme guidelines to ensure their protection and care, in the best interests of the child;

47. Also stresses that women and youth be fully involved in the design, delivery and monitoring the implementation of measures to protect them from sexual violence and the recruitment of children into the armed forces;

IV

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

48. Welcomes the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography; 12/

49. Expresses its support for the work of the Special Rapporteur appointed by the Commission on Human Rights to examine, all over the world, the question of the sale of children, child prostitution and child pornography;

50. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance, from within existing resources, to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission on Human Rights at its fifty-third session;

51. Supports the work of the working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-third session of the Commission with a view to finalizing this work;

52. Calls upon all States parties to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of all such practices, in particular by criminalizing the sexual exploitation of children;

53. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, and expresses its appreciation to the Government of Sweden for organizing it, in cooperation with the United Nations Children's Fund, End Child Prostitution in Asian Tourism and the NGO Group for the Convention on the Rights of the Child;

54. Welcomes with satisfaction the adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, 13/ which constitutes an important contribution to the global efforts aimed at the eradication of such practices;

55. Requests all States to implement on an urgent basis measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Declaration and Agenda for Action;

12/ A/51/456, annex.

13/ A/51/385, annex.

56. Calls upon States to criminalize the commercial sexual exploitation of children, as well as the other forms of sexual exploitation of children, and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

57. Also calls upon States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate the commercial sexual exploitation of children;

58. Further calls upon States to enforce relevant laws, policies and programmes to protect children from sexual exploitation, in particular by penalizing all those offenders involved, and to strengthen communication and cooperation between law enforcement authorities;

59. Stresses the need to combat the existence of the markets that encourage criminal practices against children;

60. Urges States, in cases of sex tourism, to develop or strengthen and implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits, and other sanctions, against those who commit sexual crimes against children in countries of destination, and to share relevant data;

61. Requests States to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking in children;

62. Invites States to allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society child victims of trafficking and sexual exploitation, including through job training, legal assistance and confidential health care, and to take all appropriate measures to promote their physical and psychological recovery and social reintegration;

63. Stresses the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives;

V

Elimination of exploitation of child labour

64. Encourages Member States that have not yet done so to ratify the conventions of the International Labour Organization relating to the elimination of exploitation of child labour, in particular those concerning the minimum age for employment, the abolition of forced labour and the prohibition of particularly hazardous work for children, and to implement them;

65. Calls upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular the protection from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

66. Urges Governments to take all necessary measures, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

67. Encourages, in particular, Governments to take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulations of the hours and conditions of employment and appropriate penalties or other sanctions to ensure the effective enforcement of these measures;

68. Invites Governments, in accordance with the commitments made at the World Summit for Social Development held at Copenhagen in March 1995, 14/ to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensuring the full enforcement of relevant existing laws and, where appropriate, enacting the legislation necessary to implement obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

69. Encourages Member States to strengthen international cooperation, such as through the United Nations programme of advisory services in the field of human right and the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

70. Recognizes the measures taken by Governments to eliminate the exploitation of child labour, calls upon relevant United Nations bodies and agencies, in particular the United Nations Children's Fund and the International Labour Organization to support national efforts in this regard;

71. Requests that measures be taken by Governments, at the national and international levels, within the framework of multisectorial approaches, to end exploitation of child labour in line with the commitments undertaken at the World Summit for Social Development and at the Fourth World Conference on Women, held at Beijing in September 1995, 15/ and taking into account the results of other relevant United Nations conferences;

14/ See A/CONF.166/9.

15/ See A/CONF.177/20 and Add.1.

72. Calls upon Governments to translate into concrete action their commitment to the progressive and effective elimination of child labour and to implement, inter alia, national action plans and the resolution on the elimination of child labour adopted by the International Labour Conference at its eighty-third session, as well as other relevant resolutions on the subject adopted by the General Assembly and the Commission on Human Rights;

73. Requests the Secretary-General, when reporting on the implementation of the present resolution, to cooperate closely and at an early stage with relevant actors and United Nations organizations and bodies, in particular the International Labour Organization and the United Nations Children's Fund, in order to provide information on initiatives aimed at eliminating exploitation of child labour and to recommend ways and means of improving cooperation at the national and international levels in this field;

VI

The plight of street children

74. Expresses grave concern at the continued growth in the number of incidents worldwide and at reports of children living or working on the streets being involved in and affected by serious crime, drug abuse, violence and prostitution;

75. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of children living or working on the streets, to take measures to ensure their reintegration into society and to provide, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of abuse, exploitation and neglect;

76. Strongly urges all Governments to guarantee the respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against the arbitrary deprivation of liberty, maltreatment or abuse;

77. Emphasizes that strict compliance with the provisions of the Convention and other relevant human rights instruments constitutes a significant step towards solving the problems of children living or working on the streets, including problems of exploitation, abuse and abandonment of children, and recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies give attention to this growing problem when examining reports from States parties;

78. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including child well-being in urban settlements in accordance with the Habitat Agenda adopted by the United Nations Conference on Human Settlements held at Istanbul from 3 to

14 June 1996, 16/ and encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

VII

79. Invites Governments, United Nations bodies and organizations, including the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization, and relevant mechanisms of the Commission on Human Rights and intergovernmental and non-governmental organizations to cooperate with one another to ensure greater awareness and more effective action to solve the problem of children living in exceptionally difficult conditions by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of those children;

80. Requests the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography to submit an interim report to the General Assembly at its fifty-second session;

81. Requests the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-second session, containing information on the status of the Convention on the Rights of the Child; and the problems of exploitation of child labour, its causes and consequences, in accordance with paragraph 73 above;

82. Decides to continue its consideration of this question at its fifty-second session under the item entitled "Promotion and protection of the rights of children".

16/ A/CONF.165/14, chap. I, resolution I, annex II.